

A.D. 2.1, Equal Employment Opportunity and Affirmative Action
Prepared for Signature 9/25/96 - Effective 10/16/96

1. Policy. The Department of Correction shall achieve equal employment opportunity through affirmative action.
2. Authority and Reference.
 - A. Connecticut General Statutes, Sections 4-114a, 4-114b, 4-610 5-277, 10a-11, 17-2065, 18-81, 31-51d, 31-75, 32-9e, 38-2625, 46a-60, 46a-64, 46a-68 through 46a-72, 46a-74 through 46a-77, 46a-80, 50-37 and 50-37a.
 - B. Federal Statutes. 29 United States Code Section 621 et seq. and 701 et seq., and 42 United States Code Sections 1981, 1983, 200d, et seq., 2000e et seq., and 3601 et seq.
 - C. 29 Code of Federal Regulations Part 32, Part 1604 through 1608, Part 1620, Part 1625, and 41 Code of Federal Regulations Part 60.741.
 - D. Presidential Executive Orders.
 1. Executive Order 11141
 2. Executive Order 11246
 3. Executive Order 11375
 4. Executive Order 11625
 5. Executive Order 12138
 - E. Regulations of Connecticut State Agencies, Sections 46a-68-1 through 46a-68-17 and 46a-68-31 through 46a-68-74.
 - F. Governor's Executive Orders.
 1. Executive Order No. 18, Governor Meskill
 2. Executive Order Nos. 11 and 12, Governor Grasso
 3. Executive Order No. 9, Governor O'Neill
 - G. American Correctional Association, Standards for Adult Correctional Institutions, Third Edition, January 1990, Standards 3-4053 and 3-4265.
 - H. American Correctional Association, Standards for Adult Local Detention Facilities, Third Edition, March 1991, Standard 3-ALDF-1C-07.
 - I. Administrative Directive 1.6, Monthly and Annual Reports.
3. Definitions. For the purposes stated herein, the following definitions apply:
 - A. Adverse Impact. An undesirable selection process, which results in a substantially lower rate of selection for any protected class, generally four fifths (4/5) the rate for the group most favored by the selection device.
 - B. Affirmative Action. Proactive efforts, undertaken to correct the present effects of past practices, policies and barriers to achieve the full and fair participation of any protected class within the Department's workforce.
 - C. Affirmative Action Plan. A written, detailed set of objectives prepared by the Department and approved by the Commission on Human Rights and Opportunities, designed to insure a culturally diverse

workforce.

- D. Availability. The number of persons in a labor market possessing the skills, abilities, and qualifications necessary for the performance of a job or capable of acquiring the requisite skills in a reasonable period of time.
 - E. Bonafide Occupational Qualification (BFOQ). A job qualification which precludes consideration of a protected class based upon specific job requirements.
 - F. Disability/Handicap. A physical or mental impairment that substantially limits one or more major life activities; a record of such impairment or being regarded as having such an impairment.
 - G. Discrimination. Any act, practice or policy which serves as a barrier with respect to the terms, conditions, or privileges of employment based solely on an individual's race, color, sex, religious creed, age, mental status, national origin or ancestry, physical disability, including blindness, present or past history of mental disorder, learning disability, mental retardation, sexual orientation or prior conviction of a crime, unless the provisions of state statutes are controlling.
 - H. Equal Employment Opportunity. Employment of an individual without regard to race, color, sex, religious creed, age, marital status, national origin, or ancestry, physical disability, including blindness, present or past history of mental disorder, learning disability, mental retardation, sex orientation or prior conviction of a crime, unless the provisions of State statutes are controlling except for bona fide occupational qualification.
 - I. Good Faith Effort. All reasonable efforts to achieve compliance with Affirmative Action/Equal Employment Opportunity goals; additional efforts undertaken when initial efforts fail and documentation of any effort undertaken to achieve compliance.
 - J. Labor Market Area. A geographical area from which recruitment can be conducted.
 - K. Occupational Category. A grouping of jobs by job content and/or primary occupational activity.
 - L. Parity. A condition where the representation of a protected class equals the percentage of such persons in the available workforce.
 - M. Protected Class. Those classes or groups of persons specified in subsections (G) and (H) above.
4. General Principles of Affirmative Action and Equal Employment Opportunity.
- A. The Department's Affirmative Action Plan shall establish goals to achieve representation reflective of the applicable labor market.
 - B. Affirmative Action shall apply to all aspects of the employer/employee relationship including, but not limited to, recruitment, hiring, training, upgrading, promotions, benefits, compensation, discipline, layoff and termination.
 - C. No employee shall be coerced, intimidated or retaliated against by the agency or by any person for fulfilling the duties or requirements of Affirmative Action and Equal Employment Opportunity.
5. Affirmative Action Unit. The Affirmative Action Unit responsibilities shall, include but not be limited to:

- A. Develop the Department's Affirmative Action Plan.
- B. Monitor the Affirmative Action Plan, programs, and policies.
- C. Communicate the Department's Policy of Equal Employment Opportunity and Affirmative Action.
- D. Conduct and oversee the investigation and resolution of discrimination complaints from the Connecticut Commission on Human Rights and Opportunities (CHRO), Equal Employment Opportunities Commission (EEOC), other federal and state agencies and complaints made under the Department's Affirmative Action Grievance Procedure.
- E. Monitor agency programs and services for compliance with equal employment opportunity laws and regulations.
- F. Serve as liaison to various community groups and agencies.
- G. Provide training to all employees concerning equal employment opportunity and affirmative action.
- H. Advise Department management regarding reasonable accommodations for handicapped employees.
- I. Advise and consult with Department management on relevant Affirmative Action/Equal Employment Opportunity program issues.
- J. Review criteria and qualifications of job examinations and interview questions to ensure they are related to successful job performance and do not result in adverse impact on protected classes.
- K. Assess the effect of either expansions or reductions in the workforce on protected class members.
- L. Review annually personnel actions to determine if there has been an adverse impact, and recommend appropriate steps to alleviate any identified disparity.

6. Human Resources Affirmative Action Responsibilities. The Human Resources Unit shall:

- A. Identify and utilize recruitment sources which reach a culturally diverse population.
- B. Insure that applicant pools and eligibility list for hire and promotion include a culturally diverse population.
- C. Inform new hires during orientation of the Department's commitment to Affirmative Action and give each new employee a copy of this Directive.
- D. Review all job specifications to ensure that all qualifications are in compliance with this Directive.

7. Unit Administrator Responsibility. Each Unit Administrator shall:

- A. Consider Affirmative Action goals when recruiting, selecting, assigning, promoting and training employees.
- B. Monitor and report the unit's progress regarding affirmative action as required in Administrative Directive 1.6, Monthly and Annual Reports.
- C. Consult with the Affirmative Action Unit on issues regarding handicap accommodations.
- D. Document good faith efforts to achieve affirmative action goals and submit documentation to the Affirmative Action Unit.

8. Department Supervisors Responsibility. Supervisors shall:
 - A. Treat employees equitably and in a nondiscriminatory manner.
 - B. Insure the workplace is free of racial, ethnic, sexist, and religious slurs.
 - C. Communicate to all subordinates the Department's Affirmative Action and Equal Employment Opportunity Policy and make them aware of the Affirmative Action Plan.
9. Employee Responsibility. Each employee shall:
 - A. Treat other employees in a nondiscriminatory manner.
 - B. Refrain from harassing or insulting behavior.
 - C. Discuss concerns or promptly report complaints about unfair or discriminatory treatment to a supervisor, the Unit Administrator or the Affirmative Action Unit.
10. Grievance Procedure. Any person, applying for employment or currently employed by the Department of Correction, who believes that employment discrimination may have occurred, may file an Affirmative Action grievance utilizing the Affirmative Action Complaint Form CN 2101, Attachment A, regardless of the person's status or classification within 60 days of the occurrence. The grievant shall personally file the grievance form which shall require notarization by a member of the Affirmative Action unit. The grievance shall be processed as provided as follows:
 - A. Informal Process. The Affirmative Action Unit shall first attempt to resolve a grievance of alleged discrimination through an informal process. The informal process shall attempt to reconcile the matter at the lowest possible level. The Affirmative Action Unit shall act in an effort to mediate or conciliate a grievance. The informal process shall be completed within 75 days of the filing date of the affirmative action grievance.
 - B. Informal Decision. If, after the investigation of the grievance, the Affirmative Action Unit concludes that the grievance is not valid or no discriminatory act has occurred, the grievance may be dismissed.

If, after the investigation of the grievance, the Affirmative Action Unit finds reason to believe that an employment discrimination violation may have occurred, the Affirmative Action Unit shall then initiate attempts to cause reconciliation of the parties. If the parties to the grievance agree on a resolution by way of conciliation, the terms of such resolution shall be set forth in a written agreement signed by both parties.
 - C. Appeal. If the Affirmative Action Unit concludes that the grievance is not valid or a discriminatory act has not occurred and dismisses the complaint, and the complainant is not satisfied with the findings, the complainant may appeal the decision, after the informal determination is made, to the Commissioner of Correction.
 - D. Compliance. If either the Department of Correction or the employee fails to comply with any obligation or requirement which

forms part of any resolution or conciliation agreement, said decision may be enforced by an order from the Commissioner of Correction.

- E. Ability to Use Formal Process. The informal process shall not preclude the complainant from exercising any rights in using the processes provided by federal or state law as provided below. However, if initiated, the informal process shall be exhausted prior to initiating the formal process.
 - F. Connecticut Commission on Human Rights and Opportunities (CHRO). A complaint should be filed with the CHRO no later than 180 days after the alleged act of employment discrimination occurred. CHRO shall notify the Department of the claim. Any complaint shall be filed at the nearest CHRO office as follows: (1) Capitol Region, 1229 Albany Avenue, Hartford, CT 06112, telephone 566-7710; (2) Southwest Region, 1862 East Main Street, Bridgeport, CT 06610, telephone 579-6246; (3) West Central Region, 232 North Elm Street, Waterbury, CT 06702, telephone 754-2108; and (4) Eastern Region, 100 Broadway, City Hall, Norwich, CT 06360, telephone 886-5703.
 - G. Equal Employment Opportunities Commission (EEOC). Any complaint should be filed with the EEOC no later than 300 days after the alleged act of employment discrimination occurred. In most cases, CHRO shall file a dual complaint with the federal EEOC. Both the CHRO and EEOC shall then notify the Department a complaint has been filed. Any complaint shall be filed at the regional EEOC office as follows: Equal Employment Opportunity Commission, John F. Kennedy Federal Building, Boston, MA 02203, telephone (617) 565-3197.
- 11. Distribution of Grievance Procedure. To ensure that employees are aware of the right to file an affirmative action grievance, copies of this Directive shall be posted on bulletin boards and other conspicuous places at each location of the Department of Correction. A copy of the procedure shall be included in the employee's handbook and given to any applicant as part of the application process.
 - 12. Protection from Adverse Action. No person employed by the Department of Correction shall be restrained, intimidated, threatened, coerced or discriminated against because of filing a complaint, testifying, assisting or participating in any manner in an investigation proceeding or hearing. Any violation of this provision shall be brought to the attention of the Affirmative Action Unit immediately by the aggrieved party, the party's representative, or any affected person, for investigation and appropriate action.
 - 13. Exceptions. Any exception to the procedures in this Administrative Directive requires written approval from the Commissioner.

Attachment A
CONNECTICUT DEPARTMENT OF CORRECTION
AFFIRMATIVE ACTION COMPLAINT FORM

Date

Employee Name

Home Address

Job Title

Work Location

Date of alleged violation

Brief statement describing the alleged violation and/or act of discrimination
committed